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S/N: 09/81

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Perry et al.

:  
: Group Art Unit: 2671

Serial No.: 09/810,977

:  
: Examiner: S. Wallace

Filed: March 16, 2001

For: MODELING AND COMBINING MULTIPLE GRAPHICS OBJECTS

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Technology Center 2600

Terminal Disclaimer to Obviate a Provisional Double Patenting

Rejection Over a Pending Second Application

Honorable Assistant  
Commissioner  
for Patents  
Washington, DC 20231

I hereby certify that this paper  
or fee is being deposited with the  
U.S. Postal Service as First Class  
Mail addressed to Assistant  
Commissioner for Patents, P.O. Box  
1150, Alexandria, VA 22313-1450

SEPTEMBER 19, 2003

Signature: Andrew J. Curtin

Sir:

This Terminal Disclaimer is filed in response to the Non-  
Final Official Action dated July 9, 2003.

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**REMARKS**

Claims 1-10 are pending in the application.

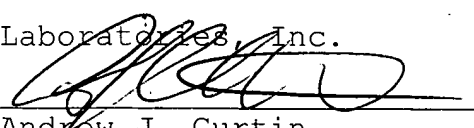
Claims 1-3 and 10 stand provisionally rejected under the judicially created doctrine of double patenting over claims 1-3 and 8-9 of co-pending Application No. 09/810,762.

Applicants respectfully submit the attached terminal disclaimer in compliance with 37 CFR 321(c), as the conflicting application is commonly owned with the present application. Please charge Deposit Account No. 50-0749 in the amount of \$110.00 for the terminal disclaimer fee pursuant to 37 CFR 1.20(d).

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0749 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

In re Application of: Perry, et al.  
Application No.: 09/810,977  
Filed: March 16, 2001  
For: MODELING AND COMBINING MULTIPLE GRAPHICS OBJECTS



The owner, Mitsubishi Electric Research Laboratories, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **09/810,762**, filed on **March 16, 2001**, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

[X] The undersigned is an attorney of record.

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Respectfully submitted,  
MITSUBISHI ELECTRIC RESEARCH  
LABORATORIES, INC.

Technology Center 2600

By:

Date

9/19/2003

Andrew J. Curtin

Reg. No.: 48,485

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